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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Office February 24, 2004

In re the Application of

Jean-Louis TOURAINE et al.

Group Art Unit: 1636

Application No.: 10/024,329

Examiner: M. Marvich

Filed: December 21, 2001

Docket No.: 109993

For: GENE THERAPY USING ANTI-GP41 ANTIBODY AND CD4 IMMUNOADHESIN

**SMALL ENTITY PETITION FOR 4th - 5th EXTENSION
OF TIME UNDER 37 C.F.R. §1.136(a) AND
TRANSMITTAL OF FEE UNDER 37 C.F.R. §1.17**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

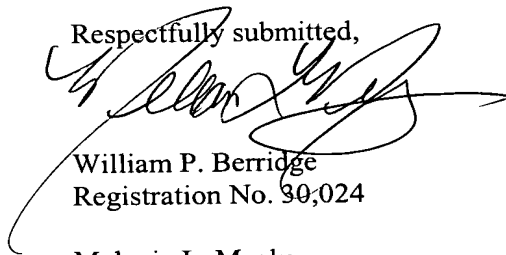
Sir:

Transmitted herewith is a response to the outstanding Official Action in the above-identified patent application. The shortened statutory period having expired September 26, 2003, an extension of time for a period of 5 months is hereby requested. Attached hereto is our Check No. 151367 in the amount of \$1,005.00 in payment for:

_____ Extension fee for response within fourth month pursuant to §1.136(a) (\$740.00)
XX Extension fee for response within fifth month pursuant to §1.136(a) (\$1,005.00)

The Commissioner is hereby authorized to charge any additional fee or credit any overpayment associated with this communication to Deposit Account No. 15-0461. Two copies of this petition are enclosed.

Respectfully submitted,


William P. Berridge
Registration No. 30,024

Melanie L. Mealy
Registration No. 40,085

02/27/2004 YPOLITE1 00000026 10024329

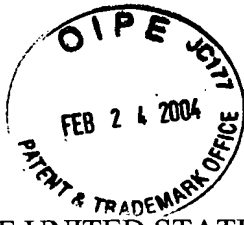
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Date: February 24, 2004
OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
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DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
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For: GENE THERAPY USING ANTI-GP41 ANTIBODY AND CD4 IMMUNOADHESIN

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

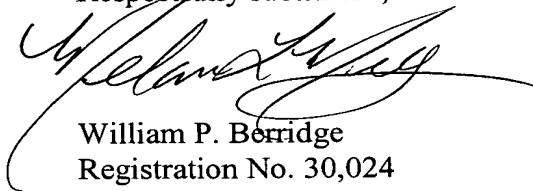
Sir:

In reply to the August 26, 2003 Restriction Requirement, Applicants provisionally elect Group I, claims 1-24, and SEQ ID NO: 2, with traverse.

It is respectfully submitted that the subject matter of all claims 1-38 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Melanie L. Mealy
Registration No. 40,085

WPB:MLM/jam

Date: February 24, 2004

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